



TPW

Docket No. DEP5157USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kolb

Serial No. : 10/664,199

Art Unit: 3732

Filed : September 17, 2003

Examiner: Robert, Eduardo

For : Bone Fixation System

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 20, 2005  
(Date of Deposit)

Amy Schick  
(Name of person mailing)

Amy Schick  
(Signature)

July 20, 2005  
(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e)  
(attached); or
- ☐ Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e)  
(attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

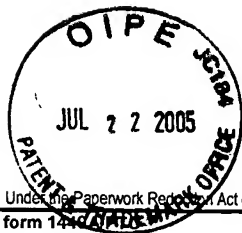
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5157/DAL. This form is submitted in triplicate.

Respectfully submitted,



David A. Lane, Jr.  
Reg. No. 39,261  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
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DATED:



PTO/SB/08A (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

#### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		20010021851		Eberlein, Roland	09/13/2001	
		20010037112		Brace, Michael et al.	11/01/2001	
		20020022843		Michelson, Gary	2/21/2001	
		20020045897		Dixon, Robert	04/18/2002	
		20020045898		Freid, Jum	04/18/2002	
		20020055741		Schlapfer, Fridoline et al.	08/09/2002	
		20020058939		Wagner, Erik J	05/16/2002	
		20020058940		Frigg, Robert et al.	05/16/2002	
		20020143336		Hearn, James	10/03/2002	
		20020147450		LeHuel, Jean-Charles	10/08/2002	
		20020156474		Wack, Michael et al.	10/24/2002	
		20020183754		Michelson, Gary K	12/05/2002	

#### FOREIGN PATENT DOCUMENTS

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	0064359					
		WO	02085226					
		WO	03063714					
		WO	9632071					
		EP	0897697					

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. <sup>6</sup> If possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 2 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		20020183757		Michelson, Gary	12/05/2002	
		20020188296		Michelson, Gary	12/12/2002	
		20030023242		Harrington, James	01/30/2003	
		20030040749		Grabowski, John	02/27/2003	
		20030045880		Michelson, Gary	03/06/2003	
		20030060828		Michelson, Gary	03/27/2003	
		20030083658		Hawkes, David T	05/01/2003	
		20030135213		Lettuec, Jean-Charles	07/17/2003	
		20030181912		Michaelson, Gary K	09/25/2003	
		20030187440		Rochelsoph, Marc	10/02/2003	
		20030187442		Richelsoph, Marc et al	10/02/2003	
		20030208204		Bailey, Kirk et al	11/06/2003	

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 3 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		20040015169		Gause, Larry	01/22/2004	
		20040034352		Needham, Dusty et al.	02/19/2004	
		20040034354		Paul, Kamaljit	02/19/2004	
		20040087951		Khalili, Farid	05/06/2004	
		20040097935		Richelsoph, Marc et al.	05/20/2004	
		20040133205		Thramann, Jeffrey et al.	07/08/2004	
		2486303		Longfellow	10/1949	
		2494229		Collison	01/1950	
		2695688		Wollpert et al.	11/1954	
		3463148		Trence, Harry	08/26/1969	
		3552389		Allgower et al.	01/05/1971	
		3596656		Kante	08/1971	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 4 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		3659595		Habaough	05/02/1972	
		3695259		Youst	10/1972	
		3716050		Johnston	02/13/1973	
		3779240		Kondo	12/18/1973	
		3900025		Barnes Jr	08/19/1975	
		4119092		Gil	10/10/1978	
		4187841		Knutson	02/12/1980	
		4219015		Steinemann	08/26/1980	
		4224699		Weber	09/30/1980	
		4388921		Sutter et al.	06/21/1983	
		4408601		Wenk	10/11/1983	
		4493317		Klau	1/15/1985	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 5 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		4503848		Caspar et al.	03/12/1985	
		4513744		Klaue	04/30/1985	
		4524765		de Zbikowski	06/25/1985	
		4651724		Berentey et al.	03/24/1987	
		4838252		Klaue	06/13/1989	
		4936844		Chandler et al.	06/26/1990	
		5151103		Tepic et al.	09/29/1992	
		5735853		Olerud	04/07/1998	
		5002544		Klaue et al.	03/26/1991	
		5006120		Carter	04/09/1991	
		5041113		Biedermann et al.	08/20/1991	
		5041114		Chapman et al.	08/20/1991	

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 6 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
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		5041133		Sayano	08/20/1991	
		5053036		Perren et al.	10/01/1991	
		5129899		Small et al.	07/14/1992	
		5129903		Luhr et al.	07/14/1992	
		5147361		Ojima et al.	09/15/1992	
		5151103		Tepic et al.	09/29/1992	
		5234290		Collins	08/10/1993	
		5275601		Gogolewski et al.	01/04/1994	
		5324290		Zdeblick et al.	06/28/1994	
		5336224		Selman	08/09/1994	
		5364399		Lowery	11/15/1994	
		5415660		Campbell et al.	05/16/1995	

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 7 of 16

<b>Application Number</b>	10/664,199
<b>Filing Date</b>	09/17/2003
<b>First Named Inventor</b>	Kolb, Eric
<b>Group Art Unit</b>	3732
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		Number	Kind Code <sup>2</sup> (if known)			
		5439463		Lin	08/08/1995	
		5501684		Schlapfer et al.	03/26/1996	
		5520690		Errico et al.	05/28/1996	
		5531746		Errico et al.	07/02/1996	
		5534027		Hodorek	07/09/1996	
		5549612		Yapp	08/27/1996	
		5578034		Estes	11/26/1996	
		5601553		Trebing	02/11/1997	
		5607426		Ralph et al.	03/04/1997	
		5607428		Lin	03/04/1997	
		5616142		Yuan et al.	04/01/1997	
		5616144		Yapp	04/01/1997	

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		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 8 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		5643265		Errico et al.	07/01/1997	
		5651283		Runciman et al.	07/29/1997	
		5672177		Seldin	09/30/1997	
		5676666		Oxland et al.	10/14/1997	
		5713904		Errico et al.	02/03/1998	
		5735853		Olerud	04/07/1998	
		5749873		Fairley	05/12/1998	
		5807396		Raven	09/15/1998	
		5827286		Incavo et al.	10/27/1998	
		5865848		Baker	02/02/1999	
		5876402		Errico et al.	02/02/1999	
		5885286		Sherman et al	03/23/1999	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 9 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

## U.S. PATENT DOCUMENTS

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		Number	Kind Code <sup>2</sup> (if known)			
		5888204		Ralph et al.	03/30/1999	
		5904683		Pohndorf	05/18/1999	
		5931838		Vito	08/03/1999	
		5951558		Fiz	09/14/1999	
		5954722		Bono	09/21/1999	
		5964762		Biedermann et al.	10/21/1999	
		5964763		Incavo et al.	10/12/1999	
		5967141		Heinonen	10/19/1999	
		5984926		Jones	11/16/1999	
		6206881		Frigg et al.	03/27/2001	
		6293949		Justis	09/25/2001	
		6306136		Bacelli	10/23/2001	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 10 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		6306139		Fuentes	10/23/2001	
		6322562 B1		Wolter	11/27/2001	
		6331179		Freid et al	12/18/2001	
		6454769		Wagner	09/24/2002	
		6575975		Brace et al.	6/10/2003	
		6592586		Michelson	07/15/2003	
		6602257		Thramann	08/05/2003	
		6656181		Dixon	12/02/2003	
		6679883		Hawkes	1/20/2004	
		6755833		Paul	06/29/2004	
		6006581		Holmes	12/28/1999	
		6017345		Richelsoph	01/25/2000	

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 11 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

**U.S. PATENT DOCUMENTS**

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		Number	Kind Code <sup>2</sup> (if known)			
		6030389		Wagner et al	02/29/2000	
		6039740		Olerud	03/21/2000	
		6063090		Schlapfer	05/16/2000	
		6066175		Henderson et al.	05/23/2000	
		6106527		Wu et al	08/22/2000	
		6117173		Taddia et al.	09/12/2000	
		6132432		Richelsoph	10/17/2000	
		6139550		Michelson	10/30/2000	
		6152927		Farris	11/28/2000	
		6159244		Suddaby	12/12/2000	
		6200348		Biedermann et al	3/13/2001	
		6206881		Frigg et al	03/27/2001	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

## U.S. PATENT DOCUMENTS

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		Number	Kind Code <sup>2</sup> (if known)			
		6224602		Hayes	05/1/2000	
		6227124		Gaydos et al	05/08/2001	
		6228085		Theken et al	05/08/2001	
		6235033		Brace et al	05/22/2001	
		6235034		Bray	05/22/2001	
		6241731		Fiz	06/05/2001	
		6258092		Dall	07/10/2001	
		6258098		Taylor	07/10/2001	
		6261291		Talaber	07/17/2001	
		6273889		Richelsoph	08/14/2001	
		6277124		Haag	08/21/2001	
		6306136		Bacelli	10/23/2001	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 13 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

## U.S. PATENT DOCUMENTS

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		Number	Kind Code <sup>2</sup> (if known)			
		6309393		Tepic et al	10/30/2001	
		6328738		Suddaby	12/11/2001	
		6331179		Freid et al	12/18/2001	
		6342055		Eisermann et al	01/29/2002	
		6402756		Ralph et al	06/11/2002	
		6413259		Lyons	07/02/2002	
		6428542		Michelson	08/06/2002	
		6441602		Eckhardt et al	08/27/2002	
		6454769		Wagner	09/24/2002	
		6503250		Paul	01/07/2003	
		6527776		Michelson	03/04/2003	
		6533786		Needham	03/18/2003	

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 14 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		6545769		Collard et al	04/08/2003	
		6565571		Jackowski et al	05/20/2003	
		6575975		Brace	06/10/2003	
		6585738		Mangini et al	07/11/2003	
		6592586		Michelson	07/15/2003	
		6595993		Donno	07/22/2003	
		6602255		Campbell et al	08/05/2003	
		6602257		Thramann	08/05/2003	
		6620163		Michelson	09/16/2003	
		6652525		Assaker	11/25/2003	
		6656181		Dixon	12/02/2003	
		6669700		Farris et al	12/30/2003	

## FOREIGN PATENT DOCUMENTS

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<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 15 of 16	<b>Application Number</b>	10/664,199
	<b>Filing Date</b>	09/17/2003
	<b>First Named Inventor</b>	Kolb, Eric
	<b>Group Art Unit</b>	3732
	<b>Examiner Name</b>	Robert, Eduardo C
	<b>Attorney Docket Number</b>	DEP5157USNP

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		Number	Kind Code <sup>2</sup> (if known)			
		6679883		Hawkes et al	1/20/2004	
		6695846		Richelsoph	02/24/2004	
		RE28841		Allgower	06/08/1976	
		RE31628		Allgower	07/10/1984	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 16 of 16	<i>Application Number</i>	10/664,199
	<i>Filing Date</i>	09/17/2003
	<i>First Named Inventor</i>	Kolb, Eric
	<i>Group Art Unit</i>	3732
	<i>Examiner Name</i>	Robert, Eduardo C
	<i>Attorney Docket Number</i>	DEP5157USNP

[illegible]

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